

SECOND REGULAR SESSION

HOUSE BILL NO. 1418

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RELFORD, BALLARD, RANSALL, DAVIS, BARNITZ,
SEIGFREID, MAY (149) (Co-sponsors), SELBY, ROBIRDS AND WHORTON.

Read 1st time January 10, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3755L.011

AN ACT

To repeal sections 253.080 and 253.082, RSMo, and to enact in lieu thereof five new sections relating to state parks.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 253.080 and 253.082, RSMo, are repealed and five new sections
2 enacted in lieu thereof, to be known as sections 253.080, 253.082, 253.091, 253.092, and
3 253.095, to read as follows:

253.080. 1. The director of the department of natural resources may construct, establish
2 and operate suitable public services, privileges, conveniences and facilities on any land, site or
3 object under the department's jurisdiction and control, and may charge and collect reasonable
4 fees for the use of the same. The director may charge reasonable fees for supplying services on
5 state park areas. Any facilities so constructed under this provision shall only be done by
6 appropriated funds.

7 2. The director may award by contract to any suitable person, persons, corporation or
8 association the right to construct, establish and operate public services, privileges, conveniences
9 and facilities on any land, site or object under the department's control for a period not to exceed
10 twenty-five years with a renewal option, and may supervise and regulate any and all charges and
11 fees of operations by private enterprise for supplying services and operating facilities on state
12 park areas.

13 3. All contracts awarded under this section shall be entered into upon the basis of
14 competitive sealed bids. A sworn financial statement shall accompany each bid, and all contracts
15 shall be let by the director at a regular meeting after public notice of the time of the letting. All

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 bids submitted prior to the opening of the meeting shall be considered. Advertisements for bids
17 in daily or weekly newspapers shall be made by the director. The director shall accept the bid
18 most favorable to the state from a responsible and reputable person but may, for good cause,
19 reject any bid.

20 4. [No contract for a period of ten years or more or a renewal thereof for such period, as
21 provided in subsection 2 of this section, shall be finally awarded until approved by the general
22 assembly by concurrent resolution considered and adopted as other concurrent resolutions of the
23 general assembly.] **The director shall not enter into a contract or a renewal for a contract**
24 **as provided in subsection 2 of this section for a period in excess of ten years unless the**
25 **director determines that the extended contract period is necessary to allow the contractor**
26 **to make substantial capital or other improvements to the site subject to the contract and**
27 **such improvements are of sufficient value to the state to necessitate the longer contract**
28 **term.**

29 5. A good and sufficient bond conditioned upon the faithful performance of the contract
30 and compliance with this law shall be required of all contractors, except that if the contractor
31 states he is unable to provide a bond, the contractor shall place a cash reserve in an escrow
32 account in an amount proportional to the volume of the contractor's business on the lands
33 controlled by the department of natural resources.

34 6. Any person who contracts under this section with the state shall keep true and accurate
35 records of his receipts and disbursements arising out of the performance of the contract and shall
36 permit the division of parks and recreation of the department of natural resources and the state
37 director of revenue to audit them. The division of parks and recreation of the department of
38 natural resources and the state director of revenue shall audit the receipts and disbursement of
39 each contract once every two years and upon the expiration of the contract. For the purpose of
40 subsection 5 of this section and this subsection, no contract shall be deemed to extend to
41 operations or management in more than one state park.

253.082. Upon a request from the director of the department of natural resources, the
2 commissioner of administration shall draw a warrant payable to the facility head of each of the
3 state parks and historic sites in an amount to be specified by the director of the department of
4 natural resources, but such amount shall not exceed the sum of **one thousand** five hundred
5 dollars for each such facility. The sum so specified shall be placed in the hands of the facility
6 head as a revolving fund to be used in the payment of the incidental expenses of the facility for
7 which he has been appointed and for the refund of fees paid by the public. All expenditures shall
8 be made in accordance with rules and regulations established by the commissioner of
9 administration.

253.091. Personal property bequeathed to the Missouri department of natural

2 resources by the late Bill and Cora Lee Miller shall become a permanent endowment fund
3 for the enhancement of Arrow Rock state historic site's public interpretive programs, and
4 may be used by the Missouri department of natural resources for the preparation of
5 museum exhibits, acquisition of artifacts, publication of information, payment of fees for
6 exhibits or lectures, or other similar interpretive needs, and for no other purpose.

253.092. 1. There is hereby created in the state treasury the "Arrow Rock State
2 Historic Site Endowment Fund". The fund shall be administered by the Missouri
3 department of natural resources. All moneys, funds, or other assets acquired as provided
4 in section 253.091 shall be deposited with the state treasurer to the credit of the fund. All
5 income, interest, rights, or rent earned through the operation of the fund shall also be
6 credited to the fund. All other property, real and personal, acquired through any grant,
7 gift, donation, devise, or bequest to the Missouri department of natural resources for the
8 purposes stated in section 253.091 shall also be deposited in the fund. The original twenty-
9 one thousand nine hundred sixty-five dollars and ninety-two cents Miller bequest now in
10 the state park earnings fund is hereby transferred into the Arrow Rock state historic site
11 endowment fund.

12 2. The state treasurer shall be the custodian of all moneys, bonds, securities, or
13 interests and rights therein deposited in the state treasury to the credit of the Arrow Rock
14 state historic site endowment fund. The moneys, bonds, or other assets of the fund shall
15 be kept safely invested so as to earn a reasonable return. The state treasurer shall select
16 such investments as are permitted by the laws of Missouri and shall make such investments
17 as the state treasurer deems reasonable and prudent.

18 3. Until January 1, 2100, from moneys in the Arrow Rock state historic site
19 endowment fund, the Missouri department of natural resources may expend, in any one
20 fiscal year, an amount equal to one-half of the interest earned by the fund in the
21 immediately preceding fiscal year for the purposes stated in section 253.091. After January
22 1, 2100, from moneys in the Arrow Rock state historic site endowment fund, the Missouri
23 department of natural resources may expend, in any one fiscal year, an amount equal to
24 the interest earned by the fund in the immediately preceding fiscal year, for the purposes
25 stated in section 253.091.

26 4. Funds from the Arrow Rock state historic site endowment fund shall be
27 expended only upon appropriation by the general assembly. Notwithstanding the
28 provisions of section 33.080, RSMo, funds appropriated, if not expended by the end of the
29 fiscal year, shall revert to the Arrow Rock state historic site endowment fund.

253.095. In order to further the interpretive, educational, and maintenance
2 functions of Missouri state parks, the director of the Missouri department of natural

3 resources is authorized to enter into agreements with private, not-for-profit organizations
4 that are organized solely for the purpose of providing interpretive, educational, or
5 maintenance services to Missouri state parks. Net proceeds received from the sale of
6 publications or other materials provided by an organization pursuant to such an
7 agreement entered into under this section shall be retained by the organization for use in
8 the interpretive, educational, or maintenance services provided to the park that the
9 organization is designated to serve.